

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICK MERRILL BRODY,

Defendant.

ORDER and
MEMORANDUM DECISION

Case No. 2:08-cr-410 CW

Now before the court are several motions by Defendant Patrick Merrill Brody to extend his time for self-surrender (Dkt. Nos. 313, 316, 318, & 321) and a motion by Mr. Brody for release pending appeal. (Dkt. No. 326) For the reasons set forth below, those motions are all DENIED.

In his first motion, Mr. Brody contends that not being in jail will help resolve a pending civil action. Mr. Brody has not convinced the court that this assertion is likely. His second motion asserts that he wants to consult with attorneys about potential criminal liability relating to tax returns and it would be easier to do so outside of prison. While it may be easier to consult with counsel outside of prison, that is not a legitimate reason to put off Mr. Brody's self surrender date. Mr. Brody's third motion argues that his time should be extended because he was sued, making his final weeks prior to self surrender unpleasant. That argument has no merit. Mr. Brody's fourth motion contends that the Bureau of Prisons has not yet given him a medical exam.

He contends that such an exam will be in his favor in setting the terms of his placement because he believes that he could be given the opportunity to leave the prison for treatment. While the court stated that it would recommend that the BOP examine Mr. Brody in connection with his placement, the court does not view the fact that the BOP has not yet done so as a reason to delay the self surrender date. While the court is mindful of Mr. Brody's professed medical issue and need for treatment, the BOP is routinely entrusted with handling such issues.

Finally, Mr. Brody asserts that he should be released pending appeal. In addition to the arguments above, Mr. Brody asserts that he is likely to win his appeal. The court disagrees.

For all these reasons, Mr. Brody's motion are DENIED.

DATED this 28th day of June, 2011.

BY THE COURT:



Clark Waddoups
United States District Judge